



The Four-Day Work Week Dilemmas behind Labour Law and the Labour Market

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Abstract

In the framework of this study, I will attempt to present the reasons and processes behind the creation of the “four-day” work week, taking into account the labour law viewpoints. The employment trends appearing on the labour market induce many changes in the regulatory system of labour law, some of which take place within the framework of atypical employment, while others result in changes in the traditional regulation of labor law, which constitutes the backbone. In the case of the “four-day” working week, this working time is embodied in a reformation. In the study, I focused on clarifying the preconditions for this within the framework of labour law, focusing on how the reform of working hours is driven by underlying labour market processes and indirectly by economic goals and needs. In other words, there is also an economic target system behind the flexible labour law provisions, even among the EU guarantees.

Keywords: four-day work week, labour market dilemmas, working hours, work-life balance

1. Introduction

The concept of the working week has been constantly changing since the emergence of organized work, determined, among other things, by economic conditions, social and cultural norms, and

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technological development. The labour law tools for increasing efficiency and productivity can also be used within the rules of working hours. In the same way, the four-day working week can also be realized – in the absence of an exact definition – by regrouping and unequally distributing working time, or by shortening working time. In the study, I set out to examine them together, since the two solutions hide legal and economic differences rather than labor law differences. I would also like to support these positions with the aspects explained in the study. In addition to the economic results, it cannot be ignored in terms of employee well-being, which is examined from more and more directions these days, since not only the work-life balance, but also the social presence of employees (voting activity, community involvement) is demonstrably dependent on the increase in quality free time. In the study, I examine the issue of the four-day work week from the point of view of working time organization and its economic consequences. In addition, however, the processing of the issue from an employee welfare point of view can be the subject of a separate analysis, which is of particular importance, taking into account the European Union legislation implementing the principles of the European Social Pillar, which is very active these days. However, in my opinion, the EU legislation is not the primary engine of these processes, but rather the consequences of the demands already analyzed in detail by the economic actors. After all, theoretical and empirical research on the subject has been present for more than ten years. Despite this, we should not assume that Directive (EU) 2019/1158 of the European Parliament and of the Council about the work-life balance for parents and carers basically contains reforms concerning the system of working time and rest time, and in Article 9 on the need to create flexible arrangements.

The question of four-day workweek can be analyzed from several points of view, since work-life balance fundamentally defines current social contexts. Today, an increasing number of surveys attest that an even work-life balance, the warp of fulfilled life, stands in the target of interest of employers, as it leads to higher employee efficiency at the workplace. Hence, a growing number of analyses point to the significance of recreation, the maintenance of good workplace atmosphere and various forms of employee motivation. At the same time, the importance of off-work time increases in the eye of individuals, which rests partly on the changing habits of generation after generation, but also partly on the fact more relevant to labour law, i. e. the frontiers of professional and private life seem to blur. These changes were not triggered by employers, instead the expectations of employees were the driving force behind them. In all atypical employment relationships, the stake of the employee in employment appears as stepping out of the frameworks of “normal” employment relationships, even though these protective frameworks are set by the labour law regulations in the interest of the employees. The motivational power of flexibility did not diminish recently, many on the labour market seek positions that are explicitly not 9-to-5 office jobs. All this has only assumed benefits for the employee, since in the end flexible work hours might not lead to increased work hours, but the accustomed, traditional work-life balance shifts, which can lead to tipping of the diurnal rhythm of the employee and the

early disruption of his social connections. In case an employee regularly works more than 8 hours daily, the phenomenon of workaholism might occur, which can bring about the deterioration of health through psychical, mental fatigue, burnout, and stress.¹ The four-day workweek can be deemed as a response to these issues, however to think of it as a protective measure for the employee is naïve, since economic consideration and rationalization also motivate its introduction.

An increasing demand among labour market actors is raising the level of efficiency in their activities. An immediate method to achieve this is done by increasing the efficiency of work by employees. On the labour market several examples exist that seek solution to these problems within the context of labour law, or sometimes trespassing its boundaries. This finds repercussions in governmental policies, as by shifting the targets of reform measures from the employee to social levels, profound changes can be accomplished, while it results in cuts in the price of labour and in savings in national budget expenditures. Principally, such practices include the already mentioned atypical employment statuses, the increased level of digitalization and robotics, the elevation of employee motivation, the alleviation of work-related stress, recreation, and employer branding. And the list is growing. During the Covid-19 pandemic, home-office became the blockbuster practice, after the emergency situation phased out, the agile approach to work organization and shorter work weeks jumped into focus of facing current employment issues. This paper will analyze the ever more popular model, which is also often touted and underpinned by governmental communication, the four-day workweek, while taking into consideration the options of labour law and the goals of HR-management at the same time. Such analysis might be considered ahead of time, yet it is clear that the market has a serious impact on the legal regulation², therefore, in my view, it cannot be too early to start finding answers to these questions.

Work hours are an essential element of employment relationship defined by labour law regulations. It can be argued that the current labour law regulations in effect are work hours focused, since the major elements of work, salary, job description, the tasks the regulation of the notification period, are all based on work hours (duration of work). The development of the protection of work and of guarantees in the past were also closely related to development of the rules of work hours. Moreover, the set of employment privileges in the public sector was connected to work hours, just as the system of work hour reduction of trade union representatives is built on work hours today. In the beginning, restricting work hours served the protection of the health of employees, with the additional value that it also restrained unbridled competition among employers, and also created foundations in respect to demand and supply.

¹ Allaya COOKS-CAMPBELL: How to have a good work-life balance. *BetterUp*, 09. 27. 2022)
<https://www.betterup.com/blog/how-to-have-good-work-life-balance>

² Simon Deakin deals extensively with the topic from the point of view of labour law. See Simon DEAKIN: The Contribution of Labour Law to Economic and Human Development. In: Guy DAVIDOV – Brian LANGILLE (eds.): *The Idea of Labour Law*. Oxford University Press, 2011. 156–179.

It is therefore not accidental that work hours and off-duty hours became the backbone of positive labour law. Yet, since labour law regulations and guarantees in international law and fundamental law³ are linked to work hours, labour law development (research) cannot be dissociated from work hours as labour market changes. With that said, as we can detect acts on the labour market, the contractual promise⁴ and the content of psychological contract⁵ behind the employment contract have radically changed: the interests in collective protection were replaced by more explicit representation of individual interests⁶. These changes are perceptible, on the one hand, in the reinvigoration of employee lobbying, on the other, in the replacement of collective contracts⁷ by individual regulatory structures⁸, but also in the employers attempts to increase employee motivation. In case, however, when the employment is based on the provision of individual employee interest and the quicker, more efficient work achieved by the improvement of employee performance, then the significance of work hours – not disputing its guarantee features – is questioned. In the last two decades, labour law experts faced the challenge that new legal structures emerged outside the classic frameworks of positive labour law⁹, because these better served the interested parties. Reviewing these structures, it is a constant dilemma, whether and to what extent these exclusive solutions are legitimate and permissible to the troves of positive labour law.

The four-day workweek this study focuses on is a more immediate, radical change on the labour market that topples the arguments supporting the guarantee providing traits of labour law¹⁰, and its existence and growing significance is undeniable. From a labour law perspective, the notion of four-day workweek serves as an instrument to tackle labour shortages, but also increases the level of employee motivation. Empirical studies substantiate that more rest period leads to higher employee efficiency¹¹, i. e. the same duties are completed faster, with better performance. Thus, in the eye of the

³ NÁDAS, György: A munkaidőre vonatkozó szabályok alapjogi aspektusból. In: Ábrahám, Márta – BERKE, Gyula – TÁLNÉ MOLNÁR, Erika (szerk.): *Exemplis Discimus. Emlékkötet Radnay József születésének 95. évfordulójára*. Budapest, Kúria–Pázmány Press, 2022. 317–332.

⁴ See about this KISS, György: *A foglalkoztatás rugalmassága és a munkavállalói jogállás védelme. (Egy lehetséges megközelítés a munkaviszony tartalmának vizsgálatához.)* Budapest, Wolters Kluwer Hungary, 2020.

⁵ See about this TÓTH, Kristóf: A pszichológiai szerződés elméletének egyes munkajogi kapcsolódási pontjai. *Pro Futuro*, 2022/1.

⁶ RAB, Henriett: A CSR-szemlélet munkajogi vetületei. *Pro Publico Bono*, 2018/ 4. 202–217.

⁷ KUN, Attila: Vállalati társadalmi felelősség – A munkajogon túl, a munkajog helyett, avagy a munkajog által? *Munkaügyi Szemle*, 2011/1. 25.

⁸ NÁDAS, György: Általános szerződési feltétel-e a kollektív szerződés? In: HAJNAL, Zsolt (szerk.): *A fogyasztóvédelmi jogról másképpen: Előképek, közjogi és munkajogi vetületek*. Debrecen, Debreceni Egyetem, Állam- és Jogtudományi Kar, 2019. 105–120.

⁹ GYULAVÁRI, Tamás: *A szürke állomány. Gazdaságilag függő munkavégzés a munkaviszony és az önfoglalkoztatás határán*. Budapest, Pázmány Press, 2014. 105.

¹⁰ See about this etc.: KUN, Attila: Az új munka törvénykönyve. In: JAKAB András – GAJDUSCHEK György (szerk.): *A magyar jogrendszer állapota*. MTA Társadalomtudományi Kutatóközpont, Jogtudományi Intézet, Budapest, 2016. 405.; PETROVICS, Zoltán: A polgári jog egyes rendelkezéseinek alkalmazása a munkaviszonyban, különös tekintettel a kötbérré. *Munkajog* 2019/4. 15–22.; FODOR, T. Gábor: Mi a baj a jelenlegi munkajogi szabályozással? *Mérce*, 2019. január 17. (letöltve: 2022.06.05.) <https://merce.hu/2019/01/17/mi-a-baj-a-jelenlegi-munkajogi-szabalyozassal/>; JAKAB, Nóra – RAB, Henriett: A munkajogi szabályozás foglalkoztatási viszonyokra gyakorolt hatása a szociális jogok és a munkaerőpiac kapcsolatának függvényében. *Pro Futuro*, 2017/1. 26–40.

¹¹ Stan De SPIEGELAERE – Agnieszka PIASNA: *The why and how of working time reduction*. European Trade Union Institution, 2017.; <https://www.researchgate.net/publication/321576822>; Gerhard BOSCH – Steffen LEHNDORFF: Working-time reduction and

employer, the accomplished tasks become pivotal instead of longer work hours, which resonates with the strive of the employee for longer rest period.

Behind the strictly legal relationship of the employment contract based on labour law regulations, a psychological agreement, a so-called immanent content is perceptible, which from the employer's side includes that the employee is in standby to perform additional work, the efficient use of work hours, and from the employee's side the demand for flexibility, correct and timely information and directives and the definition of task within reasonable outlines. These are not stipulated in labour law acts and regulations, yet are important ingredients of an employment deal. The regulation of work hours does not always drive the parties in the direction of the fulfillment of this expectation. It rather encourages either the completion of work hours without tasks, or the accomplishment of the tasks in a shorter period, than emphasizing a more efficient and – based on the energy shortages in Europe – economical operation, as intend by stakeholders in the economy.

Let us take a step back to the starting point of this paper that the relevance of work hours on the labour market is abating. At the same time, work hours are still crucial for the regulatory perspective, not only for the rules of employment, but also for social insurance provisions, employment policy measures, and the calculation of allowances, financial aids.

2. Why options of work hour reduction are studied?

The ILO (International Labour Organization), which addresses issues related to work hours since its existence¹², understanding the surge in non-work-hour-based employment forms, has been in negotiations with trade unions since 2011. Based on the outputs of flexible employment forms (flexible work hours, work hour banks, compact work week, etc.) it was claimed that the reduction of work hours does not decrease efficiency, rather, by more focused working, it even raised it. And, of course, greater efficiency results in production cost cuts¹³.

A key issue here is that no hypothesis or empirically corroborated theory has been developed yet that explains what sort of work hour regulation or agreement would influence the productivity of employees directly or indirectly¹⁴. The various psychology-, organizational sociology-, HR-management-, and business-focused studies approach the questions of work hour regulation, workplace stress, workplace adjustment, individually tailored tasks differently, therefore their upshots apply in different fields

employment: experiences in Europe and economic policy recommendations. *Cambridge Journal of Economics*, Vol. 25, Iss. 2. (March 2001) 209–243. <https://doi.org/10.1093/cje/25.2.209>

¹² ILO Convention No. 1 of 1919 deals with working time in the industrial sector.

¹³ Lonnie GOLDEN: The effects of working time on productivity and firm performance: a research synthesis paper. (Conditions of Work and Employment Series No. 33) ILO, Geneva, 2012. IV.

¹⁴ Erin KELLY – Phyllis MOEN: Rethinking the clockwork of work: Why schedule control may pay off at work and at home. *Advances in Developing Human Resources*, 2007/9. 487–506.

of study¹⁵. These researches explore the questions whether the interest and goals of one sector or another should be sacrificed to achieve the other purpose¹⁶. In view of current research results, these are compatible¹⁷. These provide the foundations for the experimental projects concerning the four-day workweek we see on the international level. Labour law will have a crucial role here, since the experiences need to be translated into legal phrasing. It is particularly true, if the loss of employee efficiency in flexible work hour constructions (which view is not verified by research, but is accepted as a greatest risk by enterprises) needs to be deemed a long-term risk. Thus, abandoning strict work hours can be successful, if the employee is obliged to cover a defined time-frame (often coined work hour banks) or the employment is assignment based. If the time-frame for specific assignments is not set, the accomplishment of task may be delayed and thus result in efficiency loss for the employer. This, therefore, cannot be accepted as a solution, even if it does not pose a problem for the employee or beneficial for the work-recreation time-balance.

Research also targets the prolongation or reduction of work hours or the flexibilization of work hours. Some of these researches confirm that losing the control over the setting of work hours (i.e. the unilateral decision of the employer on work hours) increases the stress level, fatigue, burnout of the employee to a greater extent than longer work hours or the number of work hours¹⁸. Current labour law guidelines, while protecting employee rights, place this privilege in the hand of the employer, thus the employer has the right to unilaterally set work hours for employees. This approach is essentially inimical to modern organizational- and HR-models, which, by favoring employee efficiency, understand (employee-focused) work hour management as the basic instrument in employee motivation (called work hour sovereignty)¹⁹. It can be argued that developed or experimenting employers in the big enterprise sector voluntarily share this privilege with their employees without the legal force (coercion) of labour law. Labour law legislation on international level endorses the aspiration of actors on the labour market to shape codified regulations to their interest through bilateral agreements, yet I deem the active development of legal frameworks in this respect necessary, as not every employer, particularly SME employers, are capable and ready to strike and sign such agreements. Thus, the employer's approach can be shaped with active - recommendation-type or even soft law - legislation, without diminishing the importance of the agreement. In this context, the system of directives that

¹⁵ GOLDEN (2012) op. cit. 2.

¹⁶ Boris BALTES – Thomas BRIGGS – Joseph WRIGHT – George NEUMAN: Flexible and compressed workweek schedules: a meta-analysis of their effects on work-related criteria. *Journal of Applied Psychology*, Vol. 84, Iss. 4. (1999) 496–513.; Ellen Ernst KOSSEK – Cynthia OZEKI: Bridging the work-family policy and productivity gap: A literature review. *Community, Work & Family*, Vol. 2, Iss. 1. (1999) 7–32.; M. MARTENS – F. NIJHUIS – M. VAN BOXTEL – J. KNOTTNERUS: Flexible Work Schedules and Mental and Physical Health: A Study of a Working Population with Non-Traditional Working Hours. *Journal of Organizational Behavior*, Vol. 20, Iss. 1. (1999) 35–46.

¹⁷ BALTES–BRIGGS–WRIGHT–NEUMAN (1999) op. cit. 496–513.; KOSSEK–OZEKI (1999) op. cit. 7–32.; MARTENS–NIJHUIS–VAN BOXTEL–KNOTTNERUS (1999) op. cit. 35–46.

¹⁸ Marc BUELENS – Steven POELMANS: Enriching the Spence and Robbins' typology of workaholism: Demographic, motivational and organizational correlates. *Journal of Organizational Change Management*, Vol. 17, Iss. 5. (2004) 440–458.

¹⁹ Kun Attila also deals with the issue of working time sovereignty. See KUN, Attila: Az Ipar 4.0 munkajogi implikációról. In: ÁBRAHÁM–BERKE–TÁLNÉ MOLNÁR (eds.) op. cit. 269–270.

are continuously being adopted at the EU level create the framework, which I think the member states should fill with content according to local specificities, not just by automated transposition, but based on a needs assessment based on active social dialogue. In this way, the aforementioned attitude formation can also be realized.

According to research, beside the flexible setting of work hours, the reduction of work hours is also similarly important²⁰, which brings about the additional benefit of employee satisfaction and better work-life balance, more time with the family. By looking at the Maslow hierarchy of needs²¹, a higher level of employee motivation can be attained, since the employee not only organizes work for himself, but through the internal structuring of work higher autonomy and better self-fulfillment can also be achieved.

The main dilemma behind work hour reduction is, whether it should be accompanied by a cut in the salary. In terms of labor law – taking into account the EU and, based on this, the Hungarian regulation of working time – the reduction of working time can basically be realized in two ways based on the fixing of the current working time framework. One of the two solutions is part-time working, the other is reduced daily working hours. In part-time jobs, the salary is also downscaled, while by reduced daily work hours the salary remains the same, but the task is carried out in a shorter work time, based on a legal regulation pertaining to the nature of the work activity, or based on the re-organization of work hours by the decision of the employer or employee. Current surveys consider both options, as there are pilot projects, predominantly in the IT-sector, where the reduction of work hours leaves the salaries intact²², an also several models are available, where the salaries are downscaled²³, in agreement with the employee,

Sustainability is a complex issue that requires a global perspective and entails several social economic, and moral questions²⁴. The solution is not to be found in the field of labour law, rather in the realms of economy, sociology²⁵, work psychology, and HR management, however, beyond these aspects, the perspectives of environmental protection instigated the conduct of these surveys. The hypothesis was that the world of labour constantly changes. The content of work changes due to automatization, digitalization, robotization, and consequently the lifestyle of individuals also changes.

²⁰ Giovanni COSTA – Samantha SARTORI – Torbjorn AKERSTEDT: Influence of flexibility and variability of working hours on health and well-being. *Chronobiology International*, Vol. 23, Iss. 6. (2006) 1125–1137.

²¹ Abraham MASLOW: *Motivation and personality*. New York, Harper and Row, 1970.

²² Taking a bold step in the Hungarian corporate sector, Telekom launched a pilot project by organizing a four-day work week, which, according to the news, would not mean a reduction in wages. <https://tinyurl.com/45dtfj4p>

²³ A program started in February 2018 among German automotive workers, based on which they could request a reduction in working hours from 35 to a maximum of 28 hours, for a maximum period of two years. For this research, see: Miklós ANTAL – Dominik WIEDENHOFER – Thiago Guimaraes RODRIGUES – Barbara PLANK: 28 hours per week: The mobility and energy implications of working time reduction (WTR) in Germany. Préparer la transition mobilité. Consulté le 05 July 2022. <https://forumviesmobiles.org/en/node/13176/printable/pdf>

²⁴ SZIKORA, Veronika: Profitoptimalizálás, illetve fenntarthatóság. Elérhető-e jogi eszközökkel az egyensúly? *Gazdaság és Jog*, 2020/11–12. 20–24.

²⁵ PRUGBERGER, Tamás – JAKAB, Nóra – MÉLYPATAKI, Gábor: A munkával és a pihenéssel töltött idő arányosításának több szempontú társadalom-, és jogelméleti problémája közgazdasági, ergonómiai, szociológiai és szociálpszichológiai megközelítésben. *Miskolci Jogi Szemle*, 2020/1. különszám, 238–252.

As generational researches show, the perception of quality life for the Generation Z and Generation Alpha is much more valuable than salary and income. Moreover, as of today, the economy based on traditional technology led to climate changes on a catastrophic grade. Researchers anticipate that work hours reduction will yield a mutually beneficial, win-win situation, where good life spreads, social- and family-relationships improve, time-pressure on individuals abates, unemployment rate, energy consumption and pollutant emissions subsides, and as a spill-over effect, mobility and consumerism dwindles. Beyond the provisional benefits, the sustainability of the system is also examined. The goal is to achieve a better work-life balance²⁶, and simultaneously the reduction of energy consumption and pollutant emission²⁷.

A new uncharted track of research opens up with the arrival of the energy crisis in Europe that now converts the previous efficient employments into simple guarantees of survival. In this case, we should take a step back from the approach applied up to now. The emphasis now shifts from the motivational role of the four-day workweek to economic interests. The purpose is not the cut work hours, but the reallocation of work hours, i. e. the 40 hours week is reorganized from 5x8 hours to 4x10 hours workweeks. The restructuring of workweeks evokes the guarantees of labour law with respect to recreational periods. Let us review the rules and regulation, both on domestic and international levels, that are relevant in case of such workweek restructurings.

A fundamental criticism of the four-day work week is that it is only a suitable solution for working without clients and according to the general work schedule, even though the first pilot program for its introduction took place in the field of car manufacturing. In my opinion, like all criticism, it has a basis in reality. But compared to what was formulated, the programs according to the general work schedule are launched from the opposite direction and reason. In the case of production plants that operate continuously (without interruption), the working time frame basically gives the opportunity to group the working time, which with the maximum rate of 12 hours also means that 40 hours per week can be worked by working 3 days (or 1 additional day every 3 weeks). In the case of organizing the tasks into shifts, the four-day working week can easily be implemented. In the case of a fixed 8-hour daily working time, the possibility of flexibility is much smaller, so it is obvious that emphasizing the positive effect on employees can promote increasing the length of the daily working time. Thus, the dilemma can actually be interpreted in the case of the circle already examined.

²⁶ SIPKA, Péter – ZACCARIA, Márton Leó: A munka és magánélet közötti egyensúly kialakításának alapvető követelményeiről a 2019/1158 irányelvre figyelemmel. *Munkajog*, 2020/1. 24–30.; ZACCARIA, Márton Leó: A munkavállalói jogvédelem új fejleményei a munka és a magánélet egyensúlyának megteremtése érdekében. *Jog, Állam, Politika*, 2021/2. 199–218.

²⁷ ANTAL–WIEDENHOFER op. cit. 2.

3. The latest working time rules in the EU

First, the Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union came to wider knowledge as the information directive, as the information on the employment contract stood at its center point. The Preambles of the directive refers to Article 31 of the Charter of Fundamental Rights of the European Union, which provides that every worker has the right to working conditions which respect his or her health, safety and dignity, to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave. Further, it also refers to Principle No 5 of the European Pillar of Social Rights, which, provides that, regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, and that the transition towards open-ended forms of employment is to be fostered; that, in accordance with legislation and collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context is to be ensured; that innovative forms of work that ensure quality working conditions are to be fostered; and that employment relationships that lead to precarious working conditions are to be prevented, including by prohibiting abuse of atypical contracts. The Preamble furthermore stipulates that employees should be provided new fundamental rights that aspires the increase of security and predictability of employment, while offering upwards convergencies in Member States and sustain the flexibility of the labour markets.

Paragraph 19 of the Preamble stipulates that information on work hours should be consistent with Directive 2003/88/EC of the European Parliament and of the Council, and should include information on breaks, daily and weekly rest periods and the amount of paid leave, thereby ensuring the protection of the safety and health of workers. However, the directive provides the possibility for employment that differs from the working time directive in the event that the work schedule cannot be calculated. Employees should be granted the right to deny the work ordered outside of the reference time periods if it does not comply with the guarantee rules, all of which are a protective provision of regulation that puts the employees' private life and rest time ahead of the employer's economic interests.

This brings up the question what is considered predominantly or fully unpredictable work order. This paper considers this question, because the Directive apparently addresses atypical forms of employment, thereby overstepping the strict regulations of the directive on work hours. In the cases of work orders different from traditional forms, the rules of work hour guarantees have been overstepped, but not with the aim of weakening these guarantees, rather establishing a protective system adapted to the new circumstance. Flexible work, therefore, has protective agents, and the framework of four-day workweek does not need to rest on the general work order, since protection of this is available.

Apart from the above, if the four-day workweek is accepted as 4x10 hours instead of the traditional 5x8 hours, it is no different from the general work order. The question is, whether appropriate rest

period is granted in this case? And also, whether the protective guarantees set down in the fundamental rights allow regularly more than 8 hours of daily work. The answers in EU law are as follows:

Article 6 of the Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organization of working time stipulates that Member States shall take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers: “the average working time for each seven-day period, including overtime, does not exceed 48 hours”. Therefore the 4x10 hours weekly work does not refute the directive. Moreover, Article 13 of the directive under the title Working rhythm also contains provisions that specifically motivate the member states and employees to determine the rules for the general allocation of working time in a sufficiently flexible manner, adapting to economic expectations, as the information directive drew attention to. According to Article 13, “Member States shall take the measures necessary to ensure that an employer who intends to organise work according to a certain pattern takes account of the general principle of adapting work to the worker, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate, depending on the type of activity, and of safety and health requirements, especially as regards breaks during working time.”

On national level, the Hungarian Labour Code, however, does contain provisions that contradict the regulations on four-day workweek. Paragraph 1 of Article 92 of the Labour Code specifies the daily work time as 8 hours (regular daily full work time). Paragraph 4 of Article 92 only allows for short work hours based on employment regulations or the mutual agreement of the parties. In case of collective agreements, alterations are allowed only in favor of the employee. Thus, the general introduction of four-day workweek requires the modification of work time in the Labour Code. It must be mentioned though, the work order can be arranged in this pattern by applying work time frameworks. In addition to this, however, it may be doubtful whether the flexible working conditions stipulated in Article 9 of Directive 2019/1158 will be realized if the working time block, which is considered an unequal working schedule according to domestic regulations, can only be implemented for employees employed in the working time frame by dividing the working time according to the general working schedule into fewer working days.

Besides the rules of work hours, the rules of rest periods can pose an obstruction for the rescheduling of workdays. Two forms of rest periods need to be inspected: the workday breaktimes and the period between two workdays. Article 4 of the Directive determines the first form: breaks should be introduced in case a workflow spans over 6 hours. The Directive does not mandate the member states to enact compatible regulation, but calls on the parties of the collective agreement and the social partners to resolve these issues in the collective contract. The applicable piece of legislation passed by the member state is suggested be an all-encompassing framework agreement if the collective bargaining mechanism is not working well. The Hungarian law is more substantial, carries more weight than the

relevant agreements between the parties. The breaktime during workdays lasting less than 8 hours is less significant, as a mandatory lunch break is already prescribed.

In case of the four-day workweek, the Hungarian regulations require the introduction of two breaks²⁸, which in the end prolongs the daily work hours by 45 minutes. In my view, this rule encourages the social partners to enter into local agreements that better reflect employee interests and demand, thus a shift towards the notion of the Directive is expected if four-day workweeks (full work times) are introduced.

According to Article 3 of the work time directive, the minimal length of the recreational period is 11 consecutive hours daily, which is mathematically equally feasible in case of daily 10 work hours as in 8-work-hour days. Article 104 of the Labour Code corresponds to this. So there is no real discrepancy here.

Corresponding to the EU directives, the declaration of the European Social Charter, which was developed and passed by the Council of Europe, a regional international organization, and which also serves as benchmark for the EU, drives the member states to voluntarily adopt regulation on “reasonable daily and weekly work times, and progressively reduce the latter as increase in economic efficiency and other relevant factors allow²⁹”. This way, both EU and international contractual commitments grant member states the opportunity to establish the legal framework for daily work hours with respect to social interests.

In my opinion, with the fact that economic factors also point in the direction of such reorganization of work hours, these processes will accelerate and the four-day workweeks – which are currently part of the trailblazing reform efforts of big enterprises – will become a general phenomenon. While at the same time, corporate social responsibility, which includes employee motivation, employee protection, and environmental sensitivity measures, will gravitate towards the curtailing of daily work hours. The four-day workweek could become an important instrument of the ethical, sustainable economic growth and the value- and culture-based development³⁰. But then again, under the current social and economic circumstances, I find the mandatory replacement of the 8-hour workday infeasible.

²⁸ Section 103 (1) of Act I of 2012 on the Labour Code:
For the employee, if the duration of the daily working time according to the schedule or the extraordinary working time according to Article 107 point

a) exceeds six hours, twenty minutes,
b) exceeds nine hours, an additional twenty-five minutes break between work must be provided.

²⁹ Article 2 of the European Social Charter On the right to fair working conditions.

³⁰ See the topic in more detail György KOCZISZKY: Values and culture behind sustainable economic growth. In: *New Sustainable Economics. Global discussion paper Magyar Nemzeti Bank*. Budapest, 2022. 231–240.

4. Conclusion

In summary, with respect to the regulation of work hours, labour law can add regulatory alternatives for the interested parties, while maintaining employee protection guarantees, thus opening avenues for choosing from various work time scheduling options. The criticism is often voiced that an industrial workplace or agriculture operating incessantly, cannot be run on various flexible work hour constructions, or the introduction of reduced work time is not a greater efficiency factor, but a measure leading to increased work force demand. These claims may be valid, even if in Germany an industrial sector, the automobile industry was one of the first turfs to introduce shorter work hours. The best work time arrangement for a specific task, hence primarily depends on the attributes of the activity, the size and characteristic the of the organization. The undertakings of employers, even on a global scale, to deviate from traditional work time regulations have an impact on the entire labour market, since it draws employees from sectors, where flexibility of work hours is unattainable. The enactment of alternative work time forms provide opportunities for the employers to select the best option while maintaining employee motivation. The remuneration corollaries of reduced work time could be alternatives to minimal wages negotiations, and could increase the transparency of employment agreements. Even by paying a fixed amount of minimum contribution, encouraging employers to maintain the previous minimum income level even in the part-time form of reduced working hours.

As I mentioned before, it may well be ahead of time to address the issue from a labour law point of view, but it would be misleading to run economy- and sociology-focused researches on the labour market without labour law considerations. Similarly, the general introduction of the four-day workweek without modification of the applicable labour law would lead to chaos.